

This Response is believed to be fully responsive to each point of rejection raised by the Examiner in the non-final Office action, dated December 10, 2002. Accordingly, Applicants respectfully request favorable reconsideration and allowance of the pending claims.

**Rejection of Claims 1 and 2 under 35 U.S.C. § 102(b) - Hiroaki**

The Examiner has rejected claims 1 and 2 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,786,846 (hereinafter Hiroaki). Applicants respectfully traverse this rejection.

Applicants appreciate the Examiner's response to arguments on page 8, paragraph 9 of the Office action. However, the Examiner failed to address all the arguments raised by Applicants. In particular, the Examiner did not address the arguments presented on page 7, third full paragraph of Applicants' Amendment filed August 22, 2002.

As stated therein, an operator could move himself or an inanimate object into the camera's field of view without regard to whether or not the operator's line of sight was also directed to the camera.

While Applicants recognize that the Examiner has issued a second non-final Office action with a new grounds of rejection for these claims, MPEP §707.07(f)(Answer All Material Traversed)(8<sup>th</sup> Edition) states where Applicants traverse any rejection, the Examiner should answer the substance of Applicants' arguments. Applicants respectfully submit that the response to arguments does not address the substance of the above-mentioned argument. Further, the

grounds of rejection are identical to those set forth in the final Office action dated May 24, 2002, with respect to Hiroaki and claims 1-8.

Applicants respectfully disagree with the Examiner's interpretation of the Hiroaki reference and respectfully submit that the Examiner's analyses fail to support this rejection. In particular, the Examiner alleges that Figures 13A and 13B and col. 16, lines 13-21 of Hiroaki, teach guiding the operator's line of sight toward the imaging portion. This is contrary to Hiroaki's actual disclosure. Hiroaki explicitly states that the deviation information notifies the user that the user is out of the shoot range of the camera (Col. 9, lines 35-40). Figures 13A and 13B of Hiroaki illustrate examples of notifying the user that the user is out of shoot range, as well as directing the user to move by a certain amount in a certain direction. (Col. 16, lines 13-21).

In view of the above, even if, assuming *arguendo*, Hiroaki discloses guiding the operator's line of sight so that the operator's position is proper relative to the field of view of the camera (i.e. shoot range of the camera), the local user's eyes would not be guided toward the camera. Rather, the local user's eyes would be guided to a corresponding display. (See col. 1, lines 20-24, col. 3, lines 58-62; col. 7, lines 11-15; col. 9, lines 37-40).

Indisputably, Hiroaki teaches that the video image is changed to indicate to the local user that the local user is or is not within the shoot range of the camera. (Col. 9, line 35 - col. 10, line 13). Therefore, a user must look at the display to determine whether or not the user knows when the user is in the shoot range of the camera. Accordingly, the user's eyes would not be guided to

the camera. Clearly, and in contradistinction to Applicants' claimed invention, the Hiroaki approach dictates that the user look at the display, not the camera.

While Hiroaki discloses that other methods of notification may be utilized, Hiroaki fails to even suggest that a local user's eyes would be guided toward the camera. As disclosed by Hiroaki, by combining a visual image and sound to notify the user that the user has deviated from the shoot range of the camera, the user may perceive his/her deviation from the shoot range even if the user does not see the display. (Col. 13, lines 54-59, see also, col. 10, lines 5-13 and col. 11, lines 3-16). In this case, Hiroaki teaches that where the user is looking is unimportant so long as the user is notified, either visually or audibly, that the user is not in the shoot range of the camera.

For at least these reasons, Hiroaki fails to teach or suggest the claimed means for guiding the operator's line of sight to the imaging portion. Accordingly, Applicants respectfully request that the rejection of claims 1 and 2, be withdrawn.

#### **Rejection of Claims 3-9 under 35 U.S.C. § 103(a) - Hiroaki and Ota**

The Examiner has rejected claims 3-9 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hiroaki, in view of JP363276352A (hereinafter Ota). Applicants respectfully traverse this rejection.

Applicants note that claims 3-9 depend from claim 1 and that Ota fails to compensate for

the deficiencies of Hiroaki with respect to claim 1. Ota fails to suggest the claimed means for guiding the operator's line of sight toward the imaging portion.

Hiroaki and Ota, individually or in combination, fail to render obvious the picture-phone device of claim 1. Therefore, claims 3-9 are patentable at least by virtue of their dependency on claim 1, as well as reciting their own patentably distinct features.

**Rejection of Claims 10-11 under 35 U.S.C. § 103(a) - Hiroaki and Leppisaari**

The Examiner has rejected claims 10-11 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hiraoki, in view of EP 0 884 905 A2 (hereinafter Leppisaari). Applicants respectfully traverse this rejection.

Applicants note that claims 10-11 depend from claim 1 and that Leppisaari fails to compensate for the deficiencies of Hiroaki with respect to claim 1. Leppisaari fails to suggest the claimed means for guiding the operator's line of sight toward the imaging portion.

Hiroaki and Leppisaari, individually or in combination, fail to render obvious the picture-phone device of claim 1. Therefore, claims 10-11 are patentable at least by virtue of their dependency on claim 1, as well as reciting their own patentably distinct features.

**Rejection of Claims 12-15 under 35 U.S.C. § 103(a) - Hiroaki, Leppisaari and Ota**

The Examiner has rejected claims 12-15 under 35 U.S.C. § 103(a) as allegedly being

unpatentable over Hiraoki, in view of Leppisaari, as applied to claim 11, and further in view of Ota. Applicants respectfully traverse this rejection.

Applicants note that claims 12-13 depend from claim 1. Hiroaki, Leppisaari and Ota, individually or in combination, fail to render obvious the picture-phone device of claim 1. Therefore, claims 12-13 are patentable at least by virtue of their dependency on claim 1, as well as reciting their own patentably distinct features.

**Rejection of Claims 16-17 under 35 U.S.C. § 103(a) - Hiroaki and Kobayashi**

The Examiner has rejected claims 16-17 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hiraoki, in view of Application No. JP55055627 (hereinafter Kobayashi). Applicants respectfully traverse this rejection.

Applicants note that claims 16-17 depend from claim 1 and that Kobayashi fails to compensate for the deficiencies of Hiroaki with respect to claim 1. Kobayashi fails to suggest the claimed means for guiding the operator's line of sight toward the imaging portion.

Hiroaki and Kobayshi, individually or in combination, fail to render obvious the picture-phone device of claim 1. Therefore, claims 16-17 are patentable at least by virtue of their dependency on claim 1, as well as reciting their own patentably distinct features.

**Rejection of Claims 18-21 under 35 U.S.C. § 103(a) - Hiroaki, Kobayashi and Ota**

The Examiner has rejected claims 18-21 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hiroaki, in view of Kobayashi, as applied to claim 16, and further in view of Ota. Applicants respectfully traverse this rejection.

Applicants note that claims 18-21 depend from claim 1. Hiroaki, Kobayashi and Ota, individually or in combination, fail to render obvious the picture-phone device of claim 1. Therefore, claims 18-21 are patentable at least by virtue of their dependency on claim 1, as well as reciting their own patentably distinct features.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

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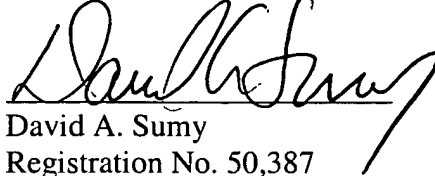
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